IN THE

Supreme Court of the United States

OCTOBER TERM, 1955

No. 919

PRECISION SCIENTIFIC COMPANY, *Petitioner*,

v.

INTERNATIONAL UNION OF MINE, MILL AND SMELTER WORKERS, *Respondent*.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the District of Columbia Circuit

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MEMORANDUM FOR RESPONDENT IN OPPOSITION TO PETITION FOR CERTIORARI

The petition herein is addressed to the same judgment as the petition in No. 826, *Leedom* v. *International Union of Mine, Mill and Smelter Workers*, in which the petitioners are the members of the National Labor Relations Board. The respondent is the same in both numbers. We have filed a memorandum in No. 826 stating that we consider it appropriate to grant the petition of the Board. No useful purpose would be served by granting the present petition as well, and there are good reasons why it should be denied.

The first question presented by the present petition is the same as the question presented in No. 826. As a comparison of the two petitions will reveal, the issue

of Board power involved will be handled much more competently and responsibly by the Board, which is also the directly affected agency.

The issues raised by the second question of the present petition are insubstantial or frivolous, as the Court of Appeals expressly held. (See Order of the Court of Appeals appearing at pages 33-36 of the present petition, particularly at p. 34.)

Moreover, Precision is a complete interloper in this case, has no standing, and has no interests which require protection in this litigation. Precision's only interest arises out of the fact that it is an employer against whom charges of unfair labor practices, filed by respondent, are pending before the Board. Precision has ample opportunity to raise whatever defenses it chooses in the proceeding before the Board, and to obtain judicial review under the National Labor Relations Act, as amended, in the event of a Board decision adverse to it. The ultimate disposition of this case will affect Precision no more than the hundreds of other employers in whose plants respondent represents employees. The granting of this petition would only tend to obscure the genuine issues involved.

Respectfully submitted,

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